

**PUBLIC EMPLOYMENT RELATIONS BOARD[621]**

**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 20.6(5), the Public Employment Relations Board amends Chapter 7, "Impasse Procedures," Iowa Administrative Code.

On October 29, 2009, the Board Adopted and Filed Emergency amendments to Chapter 7, published herein as **ARC 8317B**. Those amendments, part of the Board's plan to deal with the most recent across-the-board reductions in agency budgets, implemented a filing fee payable by a party who chooses to request a Board-appointed mediator and a processing fee payable by parties who actually schedule a mediation session with a Board-appointed mediator. Questions and controversy have ensued concerning the Board's authority to adopt and ability to retain and utilize the fees collected pursuant to those amendments. The Board has determined that it is in the best interests of the agency, its regulated community and the public to adopt these amendments, which effectively rescind the newly implemented fees, and to develop an alternative agency plan to address the across-the-board budget reduction.

Pursuant to Iowa Code section 17A.4(3), the Board finds that notice and public participation are unnecessary because the effect of these amendments is to rescind the questioned fees and return to the status quo which existed prior to their adoption.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Board further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments be made effective upon their filing with the administrative rules coordinator, because these amendments confer a benefit on the public by eliminating controversial fees and restoring the status quo which existed prior to their adoption.

These amendments are intended to implement Iowa Code sections 20.1(5) and 20.20.

These amendments became effective November 10, 2009.

The following amendments are adopted.

ITEM 1. Amend subrule 7.3(2) as follows:

**7.3(2)** *Date, signature, ~~filing fee and notice.~~* The request for mediation shall be dated and signed by an authorized representative of the requesting party ~~and be accompanied by a filing fee of \$30, in the form of a check payable to the board.~~ The requesting party shall also serve a copy of the request upon other parties to the negotiations either by personal delivery or by ordinary mail.

ITEM 2. Rescind subrule **7.3(8)**.

[Filed Emergency 11/10/09, effective 11/10/09]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/2/09.